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ACTS AND JOINT RESOLUTIONS,



RELATING TO

EDUCATION,

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA.

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COLUMBIA, S. C.:  
JOHN W. DENNY, PRINTER TO THE STATE.  
1870

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JOHN W. DENNY, PRINTER TO THE STATE.  
1870.

LB 252  
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1870

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# ACTS, &c.

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## AN ACT TO PROVIDE FOR THE TEMPORARY ORGANIZATION OF THE EDUCATIONAL DEPARTMENT OF THE STATE.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, The State Superintendent of Education, elected at the election held on the 14th, 15th and 16th days of April, 1868, shall continue in office for the term of four years. Before entering upon the duties of his office he shall give a bond in the sum of five thousand dollars (\$5,000,) to the acceptance of the Governor of the State, conditioned that he will truly account for and apply all moneys or other property which may come into his hands in his official capacity for the benefit of common schools, and that he will faithfully perform the duties enjoined upon him according to law. He shall receive as compensation for his services the sum of two thousand five hundred (2,500) dollars per annum, payable as the salaries of all other State officers are paid. He shall also receive his actual cost of transportation when traveling upon public business.

SEC. 2. The State Superintendent of Education shall open an office, to be provided by the State at the seat of Government, in which the books and papers of his department shall be kept, and in which he shall give attendance when not absent on public business. All the records, books and papers of his department shall be kept with accuracy and system, and shall be open at all times to the inspection of the Governor of the State, or of such other persons as the Governor may delegate to perform that duty.

SEC. 3. Immediately after this Act becomes a law, it shall be the duty of the State Superintendent of Education to provide, through the School Commissioner of each County, for the enumeration of all the unmarried youth of the State, between the ages of five and eighteen years, classifying them as colored and white, male and female, and he shall report the same through the Governor of the State to the General Assembly at its next regular session.

SEC. 4. The School Commissioner of each County shall, as soon as this Act becomes a law, proceed, under the direction of the State Superintendent of Education, to make an enumeration of the youth of his County, as provided for in Section 3 of this Act; and if before said enumeration is completed his County shall have been divided into townships by Act of the General Assembly, it shall be his duty to state in his report to the State Superintendent of Education the school population of each township, as well as the total number of youth in his County.

SEC. 5. The School Commissioner for Charleston County shall, in making his return to the State Superintendent of Education, give the school population of each ward in the city of Charleston.

SEC. 6. The School Commissioner for each County shall report to the State Superintendent of Education the number of public schools existing in his County, the number of pupils attending said schools, classified as colored and white, male and female. He will also state by whom said schools are supported, the number of school-houses, their condition, and by whom they are owned. The County School Commissioner shall make this report at the same time he makes his return to the State Superintendent of Education of the enumeration required in Section 4 of this Act. It shall be the duty of the State Superintendent of Education to consolidate the reports received from the County School Commissioners, and to forward them to the General Assembly at its next regular session.

SEC. 7. The School Commissioner of each County shall receive as compensation for his services a per diem of four dollars for each day actually employed in the performance of the duties prescribed in this Act, together with the necessary cost of transportation: Provided, That no account of any County School Commissioner for services rendered shall be paid until the said Commissioner shall have certified, under oath or affirmation, that said account is just, and that it was incurred in the actual performance of his duties as School Commissioner.

SEC. 8. The Governor of the State is hereby authorized to employ such assistance as may be needed in the several Counties in making the aforesaid enumeration: Provided, That no person so employed shall receive more than two and one-half dollars per day for his services: And provided, further, That no account of any person so employed shall be paid unless its correctness is certified, under oath or affirmation, by the School Commissioner of the County in which such person is employed.

SEC. 9. The State Superintendent of Education and County School Commissioners shall, in addition to the duties prescribed in this Act, perform such other duties as may hereafter be prescribed by law.

Approved September 16, 1868.

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#### JOINT RESOLUTION

*Authorizing the State Treasurer to Apportion to the several Counties the Appropriation of \$25,000, Authorized in General Order No. 139, of December 3d, 1867, Headquarters Second Military District, for the Support of Free Schools, same to be paid over to the respective County Treasurers, in order to pay Claims of Teachers.*

*Be it resolved* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Treasurer be, and he is hereby, authorized to apportion to the several Counties of the State, according to the number of their Representatives in the lower branch of the General Assembly, the appropriation of twenty-five thousand dollars, authorized in General Order No. 139, issued by General Canby, and bearing date December 3d, 1867, for the support of free schools, and to pay over the amount each County may be entitled to under said apportionment, to the Treasurer thereof, who shall be, and is hereby, em-

powered to pay the claims of all teachers for services rendered in his County during the year commencing October 31st, 1867, in accordance with the provisions of the aforesaid General Order, after said claims shall have been certified by the School Commissioner of said County, and approved by the State Superintendent of Education: Provided, That all such claims shall be presented for payment on or before the thirtieth day of June, A. D. 1869; and provided further, That if in any County the amount of claims presented shall be in excess of the amount of money apportioned to said County, said claims shall be paid *pro rata*.

Approved March 26, 1869.

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### JOINT RESOLUTION

*To Extend the Time in which Claims of Teachers for Services Rendered During the Year commencing October 31st, 1867, shall be Presented for Payment.*

Whereas, by the provisions of Joint Resolution No. 16, entitled "Joint Resolution authorizing the State Treasurer to apportion to the several Counties the appropriation of \$25,000 authorized in General Order No. 139, of December 3d, 1867, Headquarters Second Military District, for the support of Free Schools, same to be paid over to the respective County Treasurers, in order to pay claims of teachers, passed by the General Assembly of the State of South Carolina at the Regular Session of 1868-'69, and approved March 26th, 1869, it was prescribed that all claims of teachers for services rendered during the year commencing October 31st, 1867, should be presented for payment on or before the 30th day of June, A. D. 1869; and whereas, in divers Counties, by reason of a misunderstanding of the law on the part of teachers and County School Commissioners, said claims were not presented for payment within the time specified by the aforesaid Joint Resolution No. 16; therefore,

*Be it resolved* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the time within which the claims of teachers for services rendered during the year commencing October 31st, 1867, shall be presented for payment, be, and the same is hereby, extended to the First day of May, A. D. 1870.

In the Senate House the thirty-first day of January, in the year of our Lord one thousand eight hundred and seventy.

CHAS. W. MONTGOMERY, President *pro tem.* of the Senate,  
FRANKLIN J. MOSES, Jr., Speaker House of Representatives.

Approved the 3d day of February, 1870.

ROBERT K. SCOTT, Governor.

AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE COMMON SCHOOLS FOR THE STATE OF SOUTH CAROLINA.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same:

*State Board of Education.*

That the State Board of Education shall consist of the several County School Commissioners and the State Superintendent of Education, who shall be *ex officio* Chairman of the Board, and who shall be entitled to vote on all questions submitted to the Board. The Board may elect one of its members as Secretary.

SEC. 2. That the State Board of Education shall hold its first meeting at the Capital of the State on the second Wednesday after the approval of this Act, and shall thereafter meet on the first Wednesday in October of every year at the Capital of the State, and at such other times and places as the State Superintendent of Education shall direct. The members of the Board shall be entitled to receive a mileage at the rate of twenty (20) cents per mile, going to and returning from the meetings of the Board aforesaid, to be paid by the State Treasurer on presentation of a certificate signed by the Chairman and Secretary of the Board.

SEC. 3. That, for the purpose of procuring an uniform system of text-books, to be used in the common and public schools throughout the State, there shall be a Commission of five appointed, to consist of His Excellency the Governor, who shall be *ex officio* Chairman; the Chairmen of the Committee on Education of the Senate and House of Representatives; and, for the purpose of selecting the other two members, the Senate shall, by a majority of votes, appoint one, and the House of Representatives shall, in like manner, select the other: Provided, That the Commission, having decided upon a list of text-books, such list shall not be subject to amendment or change until the first of January, 1873, unless authority be granted to the Commission, by Act of the General Assembly, to amend or change the list aforesaid: And provided, further, That the Commission shall decide upon a list of text-books to be used in the common and public schools throughout the State, and shall furnish the same to the Board of Education at its first session. The meetings of the State Board of Education shall be held for the purpose of considering such matters as may be deemed necessary, and of taking such action as may advance the cause of common school education in this State.

SEC. 4. Books shall be furnished to the pupils in the public and common schools of this State at ten per cent. above their cost to the State; and, in all cases where the parents neglect or refuse to furnish their children, attending such schools, with suitable books, the Trustees of the several school districts are hereby authorized to furnish the same gratuitously to such pupils as they may be satisfied are unable to pay for them; but in all other cases they shall furnish books to the pupils who have failed to purchase books, and certify the cost of the same, with the name of the person against whom they are charged, to the Assessor within whose district such school district may be situated at the time when the annual assessment of property is made; and it shall be the duty of said

Assessor to return the amount, so certified, to the Auditor of his County, whose duty it shall be to place the same upon the County duplicate, and cause it to be collected at the same time and in the same manner that State and County taxes are collected.

SEC. 5. That the State Board of Education shall take and hold in trust, for the State, any grant or devise of lands, and any gift or bequest of money, or other personal property, made to it for educational purposes, and shall pay into the State Treasury, for safe-keeping and investment, all moneys and incomes from property so received. The State Treasurer shall, from time to time, invest all such money in the name of the State, and shall pay to the State Board of Education, on the warrant of the Governor, the income or principal thereof, as it shall, from time to time, require: Provided, That no disposition shall be made of any grant, devise, gift or bequest inconsistent with the conditions or terms thereof. For the faithful management of all property so received by the State Treasurer, he shall be responsible, upon his bond, to the State, as for other funds received by him in his official capacity: Provided, however, That the Trustees of any School District of this State may take and hold in trust, for their particular School District, any grant or devise of lands, and any gift or bequest of money, and apply the same in the interest of the schools of their District, in such manner as in their judgment seems most conducive to the welfare of the schools, when not otherwise directed by the terms of the said grant, or devise, gift or bequest: And provided, further, That before said Trustees shall assume control of any such grant, devise or bequest, they shall give a bond, to be approved of by the School Commissioner of the County in which such grant, devise or bequest is made, said bond to be deposited with Clerk of the Court of said County.

*State Superintendent of Education.*

SEC. 6. That the present State Superintendent of Education shall continue in office until the election and qualification of his successor. At the general election in 1872, and every four years thereafter, a State Superintendent of Education shall be elected, in the same manner as other State officers, who shall enter upon the duties of his office on the first day of January succeeding his election.

SEC. 7. That he shall, before entering upon the duties of his office, give bond, for the use of the State of South Carolina, in the penal sum of five thousand (5,000) dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful and impartial performance of the duties of his office; and he shall, also, at the time of giving bond, take and subscribe the oath prescribed in Section 30 of Article II of the Constitution of the State, which oath shall be endorsed upon the back of said bond, and the bond shall be filed with, and preserved by, the Secretary of State.

SEC. 8. That the State Superintendent of Education shall receive, as compensation for his services, the sum of two thousand five hundred (2,500) dollars per annum, together with his actual cost of transportation when traveling on public business, payable quarter-yearly out of the State Treasury.

SEC. 9. That he shall have general supervision over all the common and

public schools of the State, and it shall be his duty, as far as practicable, to visit every County in the State, for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communication with school officers, teachers and parents, a knowledge of existing defects, and of desirable improvements in the government and instruction of the schools.

SEC. 10. That he shall secure uniformity in the use of text books throughout the common and public schools of the State, and shall forbid the use of sectarian or partisan books and instruction in the schools.

SEC. 11. That he shall prepare and transmit to the several County School Commissioners, school registers, blank certificates, reports, and such other suitable blanks, forms and printed instructions as may be necessary to aid school officers and teachers in making their reports and carrying into full effect the various provisions of the school laws of this State; and shall cause the laws relating to common schools, with such rules, regulations, forms and instructions as shall be prescribed by the Board of Education, to be printed, together with a suitable index, in pamphlet form, by the person authorized to do the State printing, at the expense of the State; and he shall cause copies of the same to be transmitted to the several County School Commissioners for distribution.

SEC. 12. That it shall be the duty of the State Superintendent of Education to collect, in his office, such school books, apparatus, maps and charts as can be obtained without expense to the State; and also to purchase, at an expense not exceeding fifty dollars a year, rare and valuable works on education, for the benefit of teachers, authors and others who may wish to consult them; and the said sum is hereby annually appropriated for this purpose out of any moneys in the State Treasury not otherwise appropriated.

SEC. 13. That copies of all papers filed in the office of the State Superintendent of Education and his official acts may be certified by him, and, when so certified, shall be evidence equally and in like manner as the original papers.

SEC. 14. That the State Superintendent of Education shall submit, in his annual report, a statement of his official visits during the past year.

SEC. 15. That he shall make a report, through the Governor, to the General Assembly, at each regular session thereof, showing:

1st. The number of persons between the ages of six (6) and sixteen (16) years, inclusive, residing in the State on the first day of the last preceding October.

2d. The number of such persons in each County.

3d. The number of each sex.

4th. The number of white.

5th. The number of colored.

6th. The whole number of persons that attended the free common schools of the State during the year ending the thirtieth day of the last preceding September, and the number in each County that attended during the same period.

7th. The number of whites of each sex that attended, and the number of colored of each sex that attended the said schools.

8th. The number of common schools in the State.

9th. The number of pupils that studied each of the branches taught.  
 10th. The average wages paid to teachers of each sex.  
 11th. The number of school houses erected during the year, and the location, material and cost thereof.  
 12th. The number previously erected, the material of their construction, their condition and value, and the number with their grounds enclosed.  
 13th. The Counties in which teachers' institutes were held, and the number that attended the institutes in each County.

14th. Such other statistical information as he may deem important, together with such plans as he may have matured, and the State Board of Education may have recommended for the management and improvement of the school fund, and for the more perfect organization and efficiency of the common schools.

SEC. 16. That he shall have power to examine all persons who may make application to him, as to their qualification for teaching school in this State; and that to all persons of good moral character who pass a satisfactory examination he shall issue a certificate of qualification for teaching school in the State of South Carolina; which certificate shall authorize the person to whom it is given to teach in any of the common schools of this State, in which his or her services may be desired by the Trustees of the school in which he or she may make application to teach, without any further evidence of qualification. Said certificate shall be valid for the term of two (2) years, unless sooner revoked.

SEC. 17. That he shall annually, on the first day of November, or as soon as practicable thereafter, apportion the income of the State school fund, and the annual taxes collected by the State for the support of schools, among the several school districts of the State, in proportion to the respective number of pupils attending the public schools, and he shall certify such apportionment to the State Treasurer. He shall also certify to the Treasurer and School Commissioner of each County the amount apportioned to their County, and he shall draw his orders on the State Treasurer in favor of the County Treasurer of each County for the amount apportioned to said County.

SEC. 18. That there is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, the sum of eight hundred (800) dollars annually, to the State Superintendent of Education, for the purpose of defraying the expenses of clerk hire in the office of said State Superintendent of Education; said sum to be drawn quarterly by him, and to be disbursed by the said State Superintendent for the purpose herein named: Provided, That the said sum of eight hundred (800) dollars shall be in full for the annual payment of all clerk hire of said Department.

SEC. 19. That the State Superintendent of Education shall discharge such other duties as may be provided by law; and he shall deliver to his successor, within ten days after the expiration of his term of office, all books, papers, documents and other property belonging to his office.

SEC. 20. That, in case of vacancy in the office of State Superintendent of Education, the Governor shall appoint, with the advice and consent of the Senate, a person to fill such vacancy, who shall qualify within fifteen days after his appointment, and shall continue in office until the next ensuing general election, when a person shall be elected to fill the

unexpired term; and should the person so appointed fail to qualify within the time specified, such failure shall create a vacancy.

*County School Commissioners.*

SEC. 21. That the present County School Commissioners shall continue in office until their successors are elected and qualified. There shall be elected in each County, at the general election in October, A. D. 1870, and at the general election every two years thereafter, a School Commissioner, who shall hold his office until his successor is elected and qualified.

SEC. 22. That on the first day of January next succeeding the date of his election, he shall take and subscribe the oath of office prescribed in Section 30, Article II, of the Constitution of this State, which oath he shall file in the office of the Clerk of the Court of the County in which he was elected, and shall immediately enter upon the discharge of his duties; and upon his failure so to do, or if for any other cause there should be a vacancy in the office, the Governor shall appoint a person to fill such vacancy, who shall qualify within fifteen days after his appointment, and shall continue in office until the time prescribed for filling said office by election, as herein provided; and should the person so appointed fail to qualify within the time specified, such failure shall create a vacancy.

SEC. 23. That he shall have the general supervision of all the common and public schools in his County. He shall visit each school in the County at least once each regular term thereof, counsel with and encourage Trustees and teachers, see that the common school law is properly enforced, and do whatever may promote the cause of education in the County.

SEC. 24. That it shall be his duty to see that in every school under his care there shall be taught, as far as practicable, orthography, reading, writing, arithmetic, geography, English grammar, history of the United States, the principles of the Constitution and Laws of the United States and of this State, and good behavior.

SEC. 25. He shall, on or before the first day of October in each year, forward to the State Superintendent of Education an extended report, containing an abstract of the reports made to him by the various school officers and teachers in his County, and showing the condition of the schools under his charge, suggesting such improvements in the school system as he may deem useful, and giving such other information in regard to the practical operation of the common schools, and laws relating thereto, as may be deemed of public interest. He shall also include, in his report, such other matters as he shall be directed to report by the State Superintendent of Education.

SEC. 26. That should he fail to make the report required in the preceding Section, he shall forfeit to the school fund of his County the sum of fifty (50) dollars, and shall, besides, be liable for all damages caused by such neglect.

SEC. 27. That he shall, at all times, conform to the instructions of the State Superintendent of Education, as to matters within the jurisdiction of said State Superintendent. He shall serve as the organ of communication between the said State Superintendent and school authorities. He

shall transmit to school officers, or teachers, all blanks, circulars, and other communications which are to them directed.

SEC. 28. That each County School Commissioner shall receive as compensation for his services, including expenses of transportation within his County, an annual salary of one thousand (1,000) dollars, except the County of Charleston, in which County he shall receive an annual salary of fifteen hundred (1,500) dollars, payable quarterly by the State Treasurer.

*County Board of Examiners.*

SEC. 29. That the County Commissioners of the several Counties shall furnish the School Commissioners of their respective Counties with an office and the necessary office furniture.

SEC. 30. That it shall be the duty of each County School Commissioner, immediately after the passage of this Act, to divide his County into convenient School Districts, for all purposes connected with the general interest of education, and re-district the same, whenever, in his judgment, the general good requires it. Each District shall be confined to the management and control of the Board of School Trustees herein-after provided for, who shall hold their office for two years, and until their successors are elected and qualified.

SEC. 31. It shall be the duty of the School Commissioner of each County to select two suitable and discreet persons, who, together with himself, shall constitute a Board of Examiners, whose duty it shall be to examine all candidates for the profession of teacher, and to give such persons as are found qualified a certificate setting forth the branches of learning he or she may be found capable of teaching; such examination to be renewed every year. No teacher shall be employed in any of the common or public schools without a certificate from the Board of Examiners or the State Superintendent; but certificates furnished by the Board of Examiners shall be valid only in the Counties where issued. A majority of the County Board of Examiners shall have power, for good and sufficient reasons, to cancel any certificate issued by them before the expiration of the time for which said certificate was granted.

SEC. 32. That the Board of County School Examiners shall meet at least twice a year, at such places, and at such times, as the County School Commissioner shall appoint; that the County School Commissioner shall be Chairman and Clerk of the Board, and shall keep a fair record of their proceedings, and a register of the name, age, sex, color, residence and date of certificate of each person to whom certificate is issued, and in case a certificate be cancelled, shall make a proper entry of the same.

SEC. 33. That it shall be the duty of the County Board of School Examiners, at their first meeting, to order, in and for each and every school district in their County, an election for a Board of three (3) School Trustees, whose duties shall be as hereinafter prescribed. The said County Board shall also have power to fill, by appointment, all vacancies which may occur in the respective School District Boards of School Trustees in their County.

### *School Districts and Trustees.*

SEC. 34. For the purpose of conducting the election provided for in the

foregoing Section, a public meeting of the voters of each school district shall be called by order of the County Board of Examiners; said meeting shall be presided over by one member of said Board of Examiners, or a person by them appointed; shall appoint a Secretary, who shall keep a fair record of its proceedings, to be deposited with the County School Commissioner, and shall then proceed to elect three persons, resident in the said school district, to serve as School Trustees for one year: Provided, That fifteen days' notice shall be given of every such public meeting.

SEC. 35. That the said Trustees, within fifteen (15) days after their appointment or election, shall take an oath or affirmation faithfully and impartially to discharge the duties of their office, which oath the members are authorized to administer to each other.

SEC. 36. That it shall be the duty of the said Trustees, any two of whom shall constitute a quorum, to meet as soon as practicable after having been appointed or elected and qualified, at such place as may be most convenient in the district, and organize by appointing one of their number Clerk of the Board, who shall preside at the official meetings of the Trustees, and shall record their proceedings in a book provided for that purpose: Provided, That each member of the Board shall be duly notified of such meetings by the School Commissioners of the County.

SEC. 37. That it shall be the duty of the Trustees in each school district to take the management and control of the local educational interests of the same, subject to the supervision of the County School Commissioner, and to visit the school at least twice in every month during the school term.

SEC. 38. That it shall be the duty of the Trustees in the several school districts to make, or cause to be made, annually, in each school district, by the first day of September, an enumeration of all the children between the ages of six (6) and sixteen (16) years, resident within such school district, distinguishing between male and female, white and colored; and the Clerk of said Board of Trustees shall return to the County School Commissioner a duplicate report of the same: Provided, That in case the enumeration of scholastic population of any school district is not made, as provided for in this Act, by that time, the County Board of School Examiners is herewith authorized to appoint new Trustees for such school district, unless for good and sufficient cause the Trustees have failed to act.

SEC. 39. It shall be the duty of the Board of Trustees to hold a regular session in their School District at least two weeks before the commencement of any or every school term, for the transaction of any and all business necessary to the prosperity of the school, with power to adjourn from time to time, and to hold special meetings at any time or place.

SEC. 40. That the Board of Trustees shall have power to establish and make all arrangements for the common schools of districts, paying due regard to any school-house already built or site procured, as well as to all other circumstances proper to be considered, so as to best promote the educational interest of their district: Provided, That if said Board of Trustees shall fail to establish schools and build school-houses, when and where the necessities of the people require them, it shall be the duty of

the County School Commissioner, and he shall have the power, to establish and build the same at the expense of the school fund of such School District. They shall employ teachers from among those having certificates, and discharge the same when good and sufficient reasons for so doing present themselves; but they shall employ no person to teach in any of the schools under their supervision unless such person shall hold, at the time of commencing his or her school, a certificate to teach, granted by the County Board of School Examiners, or by the State Superintendent of Education.

SEC. 41. That should the Board of Trustees be unable otherwise to procure sites for school houses, they are hereby authorized to appoint a jury of view of five legal voters of the County, who shall locate said site as the public interest may require; but, except in a city, town or village, said site shall not be located within two hundred yards of the dwelling of the owner of the land taken for said site without his consent, given in writing. The said jury shall assess the value of the same, and report their action to the Board of Trustees, who shall secure the title and pay for the site, as decided by the jury of view, out of any moneys available for that purpose.

SEC. 42. That when it shall so happen that persons are so situated as to be better accommodated at the school of any adjoining School District, or whenever it may be desirable to establish a school composed of parts of two or more School Districts, it shall be the duty of the respective Boards of Trustees of the School Districts in which such persons reside, or in which such schools may be situated, or of the School Districts, or the parts of which the school is to be composed, to transfer such persons for education to the School District in which such school house is or may be located; but the enumeration of scholars shall be taken in each District as if no such transfer had been made; and such school, when so composed, shall be supported from the school funds of the respective School Districts from which the scholars may have been transferred.

SEC. 43. That the school year shall commence on the first Monday of October, and close on the last Friday of June in each year; but the County School Commissioner shall have power to limit the school year according to the school fund apportioned to his County.

SEC. 44. That it shall be the duty of each school teacher to make out and file with the Clerk of the Board of Trustees, at the expiration of each school month, a full and complete report of the whole number of scholars admitted to the school during each month, distinguishing between male and female, the average attendance, the branches taught, the number of pupils engaged in each of said branches, and such other statistics as he or she may be required to make by the County School Commissioner; and until such report shall have been certified and filed by the said teacher, as aforesaid, it shall be the duty of said Board of Trustees to require the same, and forward to the County School Commissioner, before said teacher can draw pay for his or her services.

SEC. 45. That the State Superintendent of Education, or any County School Commissioner, or School District Board of Trustees, may receive, in behalf of the State Board of Education, any gift, grant, donation or devise of any school house, or site for a school house, or library for the use of any school or schools, or other school purposes within the State, and are hereby invested with the care and custody of all school houses,

sites, or other property belonging to the State Board of Education within the limits of their jurisdiction, with full powers to control the same in such manner as they may think will best subserve the interests of common schools and the cause of education, subject to the control of the State Board of Education.

*Charleston City Board of School Commissioners*

SEC. 46. That it shall be the duty of the School Commissioner of Charleston County to organize, in all those Districts outside of the city of Charleston, formerly known as Parishes, a suitable number of schools, as soon as practicable after the passage of this Act. He shall visit said schools not less than twice during each year, and shall perform such other duties as are prescribed for County School Commissioners in this Act. Upon failure or neglect to discharge the duties imposed upon him by this Section, when reported to the State Superintendent of Education, the said State Superintendent is hereby empowered to take such measures as, in his judgment, may be necessary to enforce a faithful performance of duty on the part of said School Commissioner.

SEC. 47. That the School Commissioner of Charleston County, in conjunction with one suitable and discreet person from each ward in the city of Charleston, to be appointed by the Governor, shall constitute the Charleston City Board of School Commissioners, and who shall continue in office until their successors are elected and qualified. The School Commissioner of Charleston County shall be *ex officio* Chairman of the said Board, and may assemble the members thereof any time at his discretion. They (the Board) may appoint one of their number Clerk of the said Board. The powers and duties of the Board aforesaid shall be the same as those of the Board of School Trustees of the several School Districts.

SEC. 48. That at the next regular municipal election held in the City of Charleston, and at every regular municipal election thereafter, one School Commissioner shall be elected by the legal votes of each ward, who shall continue in office until his successor is elected and qualified.

SEC. 49. That all Acts or parts of Acts inconsistent with this Act, or supplied by it, are hereby repealed.

SEC. 50. That this Act shall take effect from its passage.

Approved February 16, 1870.

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**AN ACT TO PROVIDE FOR THE PAYMENT OF CLAIMS OF TEACHERS, FOR SERVICES RENDERED DURING THE FISCAL YEAR COMMENCING NOVEMBER 1ST, A. D. 1868, AND ENDING OCTOBER 31ST, A. D. 1869.**

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Treasurer be, and he is hereby, authorized and instructed to pay, out of the funds appropriated for the support of free schools, for the fiscal year commencing November 1st, A. D. 1868, and ending October 31st, A. D. 1869, (consisting of fifty thousand (50,000) dollars, in addition to the amount raised by the capi-

tation tax,) the claims of teachers, for services rendered during the year aforesaid, at the rate of five (5) cents per day for each scholar's actual attendance.

SEC. 2. That the claims aforesaid shall be made out on printed blanks to be prepared by the State Superintendent of Education, and furnished by him to the County School Commissioner of each of the several Counties of this State. He may also prepare and forward to the several County School Commissioners such printed instructions in regard to the said claims as he may deem necessary.

SEC. 3. That each and every claim of the nature aforesaid shall be sworn to and subscribed before a Magistrate or other officer legally qualified to administer oaths.

SEC. 4. That no such claim shall be paid until the same shall have been certified to as correct and just by the School Commissioner of the County in which the services were rendered, and audited by the State Superintendent of Education, who, if he approve the same, shall draw his order on the State Treasurer for the payment thereof, and shall take receipt for said order, in duplicate, one to be placed on file in his office, and the other to be sent to the office of the Comptroller-General of this State.

SEC. 5. That all claims of teachers for services rendered during the year hereinbefore mentioned shall be forwarded to the office of State Superintendent of Education within ninety (90) days after the approval of this Act.

SEC. 6. That if any person shall make out or swear to a false or fraudulent claim of the nature hereinbefore described, such person shall, on conviction thereof, be fined in a sum not less than twice the amount of such false or fraudulent claim, which fine shall be applied for the support of schools.

SEC. 7. That such sum as shall remain of the fund appropriated for the fiscal year commencing November 1st, A. D. 1868, and ending October 31st, A. D. 1869, for the support of free schools, after the payment of the claims described in this Act, shall be applied for the support of free schools for the fiscal year commencing November 1st, A. D. 1869.

Approved February 24, 1870.

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**AN ACT TO DETERMINE THE TIME WHEN THE SALARIES OF COUNTY SCHOOL COMMISSIONERS SHALL COMMENCE, AND TO FIX THE DATE OF THE FIRST MEETING OF THE STATE BOARD OF EDUCATION.**

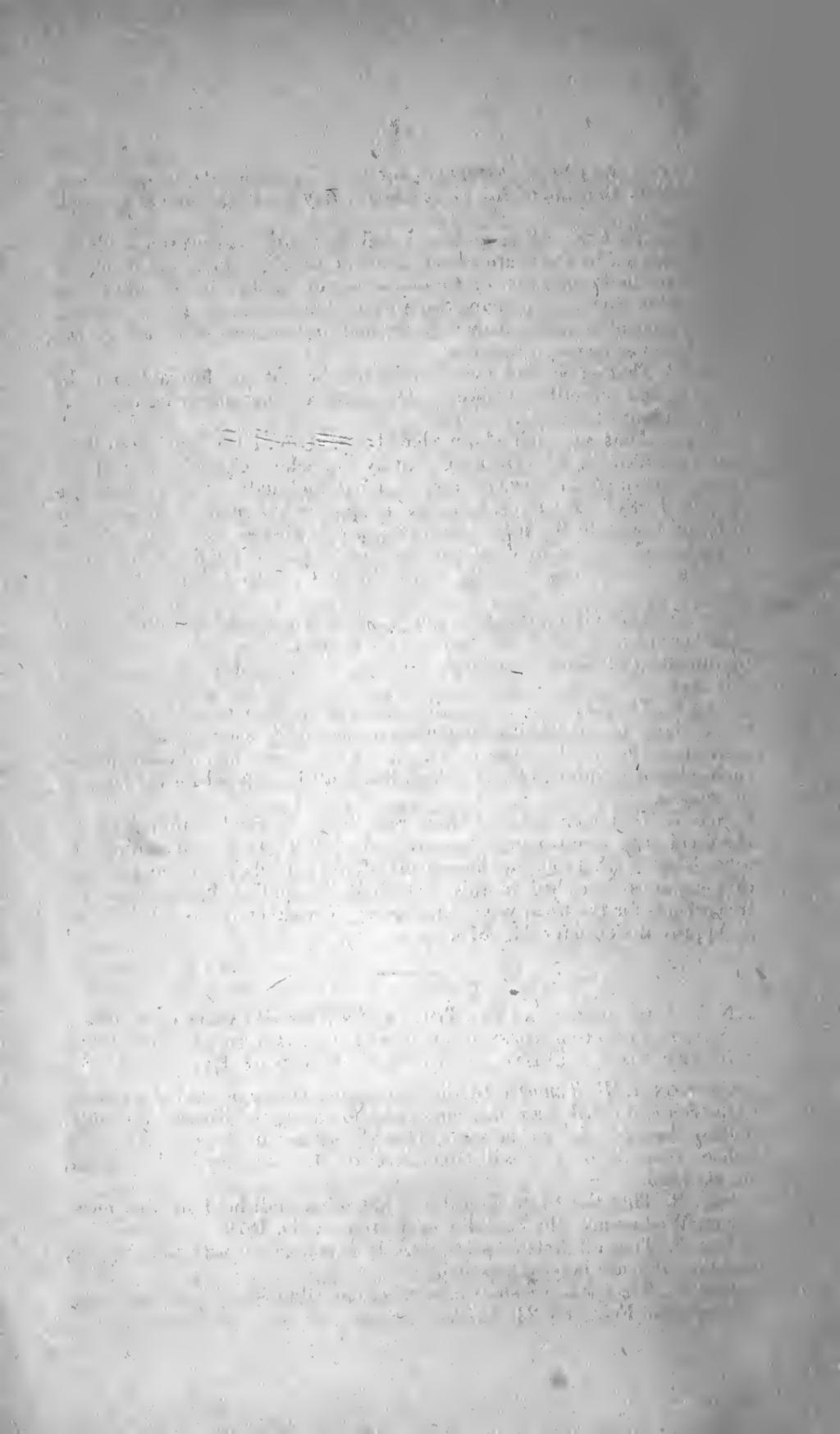
SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the salaries of the several County School Commissioners shall commence on the 1st day of November, A. D. 1869.

SEC. 2. That the State Board of Education shall hold its first meeting on Wednesday, the 16th day of March, A. D. 1870.

SEC. 3. That all Acts or parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

SEC. 4. That this Act shall take effect immediately.

Approved February 24, 1870.





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